



California Fair Political Practices Commission

October 3, 1985

Pamela A. Gaspar
2048 Willow Drive
El Centro, CA 92243

Re: Your Request for Advice,
Our File No. A-85-195

Dear Ms. Gaspar:

Thank you for your letter requesting advice regarding the incompatibility of public offices arising from your possible position with the El Centro City Council and your position as an employee of a city-owned hospital. At this time, the city council sits as the hospital board.

Our agency is not authorized to render advice on this subject, as the Political Reform Act deals only with conflicts between official duties and private financial interests. The Attorney General's office is the only state agency which give advice on possible conflicts arising from two public offices. I enclose a copy of our November 1983 Bulletin, which contains a listing of several Attorney General's Opinions on the subject.

The Political Reform Act prohibits a public official from making, participating in, or using his or her official position to influence a governmental decision in which the official has a financial interest. Government Code Section 87100. Pursuant to Section 87103, a public official has a financial interest in a governmental decision when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on, among other interests, any source of income aggregating \$250 or more received by or promised to the public official within 12 months prior to the time when the decision is made. However, the term income does not include any salary and reimbursement for expenses or per diem received from a state, local, or federal government agency. Government Code Section 82030(b)(2). Therefore, the income you receive as an employee

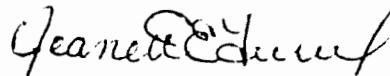
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of the city-owned hospital is not considered income for purposes of the Political Reform Act.

Accordingly, should you be successful in your bid for a council seat, you would not be required to disqualify yourself from decisions which may affect the hospital.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jeanette E. Turvill".

Jeanette E. Turvill
Legal Assistant
Legal Division

JET:nwm

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SEPTEMBER 9, 1985

FAIR POLITICAL PRACTICES COMMISSION
P.O. BOX 807
SACRAMENTO, CALIFORNIA
95804-0804

EXECUTIVE/LEGAL COUNCIL:

I WOULD LIKE TO KNOW IF THERE IS ANY FORM OF CONFLICT TO BE AN EMPLOYEE OF A CITY OWNED HOSPITAL AND AT THE SAME TIME A MEMBER OF CITY COUNCIL. THE CITY COUNCIL SITS AT THIS TIME AS THE HOSPITAL BOARD. A NEW BOARD IS FORMING AND SHOULD BE SEATED BY THE FIRST OF THE YEAR.

ON THIS YEAR'S BALLOT THE ISSUE OF WHETHER OR NOT THE CITY OWNED HOSPITAL SHOULD BE SOLD, LEASE, OR STAY AS IT IS.

I NEED TO KNOW AS CANDIDATE FOR CITY COUNCIL MEMBER OF EL CENTRO, CALIFORNIA IF I HAVE A POSSIBLE PROBLEM OF CONFLICT OR INCOMPATIBILITY. I HAVE NOT BEEN ABLE TO RESOLVE THIS THROUGH OUR CITY ATTORNEY. I NEED TO KNOW THE ANSWER.

IF YOU DO DETERMINE IT IS A CONFLICT OR INCOMPATIBLE TO DO BOTH WHAT ARE MY OPTIONS.

SINCERELY;



PAMELA A. GASPAR
2048 WILLOW DRIVE
EL CENTRO, CALIFORNIA
92243

PHONE: 619-353-2728 (HOME)
619-339-7271 (WORK)